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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ANTHONY P. KEYTER,

9 Plaintiff,

10 v.

11 THE BOEING COMPANY,

12 Defendant.
13

Case No. C12-0474RSL

ORDER TO SHOW CAUSE

14 This matter comes before the Court *sua sponte*. On March 19, 2012, plaintiff,
15 proceeding *pro se*, filed suit against The Boeing Company alleging violations of Section 1983 of
16 the Civil Rights Act of 1964, 42 U.S.C. § 1983. Plaintiff alleges that his employment with
17 Boeing was terminated in retaliation for his efforts to expose “an extensive criminal endeavor
18 operating with impunity within the Boeing Company” and its “business associate, Air India.”
19 Dkt. # 1 at 3-4. Although the caption of the complaint identifies only Boeing as a defendant, it is
20 clear from the text that plaintiff intends to sue all Boeing employees, managers, directors, and
21 executives who were in any way connected with the decision to terminate his employment or
22 who, upon receiving notice of the allegedly unlawful termination, failed to take steps to reinstate
23 plaintiff.

24 Plaintiff is well-known in this and other federal district courts around the country.
25 Since his divorce in 2000, plaintiff has used litigation in an attempt to correct what he believes to
26 have been the illegal seizure of his assets and income in the dissolution proceeding. His direct

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1 appeal and motions for relief in state court were denied, and plaintiff sought assistance from
2 government officials and the federal courts. Persons to whom plaintiff appealed for help
3 (including former President George W. Bush) were invariably added to the ever-growing and
4 ever-changing lists of defendants under the theory that they must be part of a conspiracy to
5 cover-up of the illegal asset seizure and/or are obstructing justice. Plaintiff accuses the named
6 defendants of various crimes and, in addition to damages, seeks to prod a criminal investigation
7 and/or initiate criminal charges against the defendants. Despite being repeatedly told that private
8 citizens cannot enforce criminal statutes and that federal courts will not reevaluate the propriety
9 of the dissolution order, plaintiff continues to assert that the property division involved criminal
10 conduct, that there is a systemic conspiracy to cover up the crimes, and that the courts must
11 investigate or prosecute anyone he deems insufficiently sympathetic to his claims.

12 In May 2005, United States District Judge Charles C. Lovell, sitting by designation
13 in this district, found that plaintiff's then-pending complaint against 230 government officials
14 (and 51 additional officials whom plaintiff attempted to add as necessary parties) was frivolous
15 and that its prosecution constituted an abuse of the court system. Keyter v. 230 Government
16 Officers, C04-5867CCL (W.D. Wash. May 20, 2005) (Dkt. # 56 at 20). Judge Lovell issued an
17 order barring plaintiff from suing these 281 individuals on any claims arising out of his
18 dissolution proceedings. Id. at 21. In 2008, plaintiff filed another complaint asserting the same
19 type of claims that had been considered by Judge Lovell, but with two distinctions: (1) plaintiff
20 chose federal, rather than state, officials as defendants (including President George W. Bush and
21 all members of the 110th Congress) and (2) plaintiff alleged that President Bush had sent
22 assassins to kill plaintiff because of his previous allegations of wrongdoing leveled against the
23 President. The 2008 complaint did not fall squarely within the bar order issued by Judge Lovell,
24 but the gravamen of the two complaints were the same in that both suits arose out of "the
25 perceived injustices in Keyter's divorce." Keyter v. U.S.A., C08-5235RBL (W.D. Wash. May
26 13, 2008) (Dkt. # 13 at 2). United States District Judge Ronald B. Leighton dismissed the case

1 and barred plaintiff “from filing in this Court any action which arises from his previous divorce
2 and plaintiff’s resulting actions to remedy the alleged injustices.” Id. at 3.

3 In 2009, plaintiff filed lawsuits against The Boeing Company, Air India, and Ford
4 Motor Company (C09-0962RAJ, C09-0825RAJ, and C09-0897RAJ respectively) in which he
5 alleged that defendants had conspired with federal government officials (including the President)
6 to kidnap and murder plaintiff. Why the President of the United States and three multi-national
7 corporations would want to kill plaintiff was unexplained: plaintiff simply stated that he had
8 evidence supporting his extraordinary allegations which he would reveal after the court
9 appointed an investigator. United States District Judge Richard A. Jones recognized that the
10 expanded allegations regarding kidnapping and murder were a few steps removed from
11 plaintiff’s standard complaints regarding the miscarriage of justice in his dissolution proceeding,
12 but nevertheless found that dismissal was appropriate under the bar order issued by Judge
13 Leighton:

14 Without the allegations that are the subject of the Bar Order, the new material in
15 the instant suits amounts to a wholly implausible allegation that three corporations
16 were involved in a plot to kidnap and murder him for no reason. . . . The Bar
17 Order was intended to prevent further use of judicial resources to address wholly
18 implausible allegations, and the court holds that Plaintiff cannot avoid the Bar
19 Order simply by adding additional implausible allegations against non-
governmental entities to supplement his previous implausible allegations against
government officials.

20 Keyter v. The Boeing Co., C09-962RAJ (W.D. Wash. Aug. 3, 2009) (Dkt. # 14 at 3-4). Judge
21 Jones also found that plaintiff continued to abuse the legal process by filing *ex parte* motions and
22 seeking forms of relief that had already been denied. Id. at 4.

23 This current case appears to be nothing more than the next generation of plaintiff’s
24 claim arising from the 2000 dissolution proceeding. Plaintiff alleges that when his employer,
25 The Boeing Company, learned that he had accused it and Air India of criminal wrongdoing
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1 (presumably referring to two of the three cases dismissed by Judge Jones),¹ it terminated his
2 employment in retaliation. Plaintiff's complaint is subject to dismissal on at least three grounds.

3 First, the activity which apparently gave rise to plaintiff's termination – namely,
4 complaining about Boeing's participation in an extensive criminal endeavor designed to cover
5 up the injustices of his divorce decree – is far from protected. Rather, those very complaints
6 have been summarily dismissed and are now barred from consideration by the courts. The
7 federal courts have uniformly rejected plaintiff's challenges to the divorce decree for lack of
8 jurisdiction and his accusations regarding cover ups and conspiracies as wholly implausible.
9 Plaintiff's repeated attempts to hold someone, anyone, liable for the property distribution, for
10 failing to correct the property distribution, and/or for taking action against plaintiff for bringing
11 these meritless claims constitute an abuse of the legal process. Neither the courts nor the public
12 have any interest in "protecting" plaintiff's abusive litigation tactics. Plaintiff cannot wrap
13 himself in the robes of a whistleblower by continuing to make legally defective and judicially
14 precluded complaints.

15 Second, pursuant to the analyses of Keyter v. 230 Government Officers, C04-
16 5867CCL (W.D. Wash. May 20, 2005) (Dkt. # 56), Keyter v. U.S.A., C08-5235RBL (W.D.
17 Wash. May 13, 2008) (Dkt. # 13), and Keyter v. The Boeing Co., C09-962RAJ (W.D. Wash.
18 Aug. 3, 2009) (Dkt. # 14), this action is subject to summary dismissal.


19 Third, plaintiff's complaint fails to state a claim upon which relief can be granted.
20 Recovery under Section 1983 requires plaintiff to show that defendant deprived him of a
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23 ¹ As was the case in his previous action against The Boeing Company, plaintiff does not provide
24 any details regarding the "extensive criminal endeavor" in which both Boeing and Air India are
25 engaged. Plaintiff cannot, however, escape the strictures of the existing bar orders so easily. By
26 refusing to provide factual allegations that could support his bare accusations of misconduct, crimes, and
conspiracies, plaintiff has failed to make his claims plausible. If, as appears to be the case, his dispute
with Boeing has at its base the 2000 dissolution proceedings and plaintiff's various attempts to seek a
remedy, the bar orders apply.

1 constitutional right “under color of any statute, ordinance, regulation, custom, or usage, of any
2 State or Territory.” This element of a § 1983 claim requires that plaintiff show that defendant
3 acted “under color of law.” See, e.g., Monroe v. Pape, 365 U.S. 167, 184, 187 (1961); United
4 States v. Price, 383 U.S. 787, 793, 794 (1966). The allegations of plaintiff’s complaint do not
5 suggest that Boeing, a private party, was acting as or in concert with a state actor when it
6 terminated plaintiff’s employment. Thus, plaintiff’s complaint does not state a claim upon
7 which relief can be granted.

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9 For all of the foregoing reasons, plaintiff shall, within twenty-eight (28) days of
10 the date of this order, SHOW CAUSE why the Court should not summarily dismiss his
11 complaint. Failure to timely and adequately respond will result in the dismissal of plaintiff’s
12 claims. Plaintiff shall also show cause why he should not be sanctioned \$150 for abusing the
13 legal process by continuing to pursue claims arising out of the 2000 property distribution, the
14 failure to correct the property distribution, and/or the negative actions taken against plaintiff for
15 bringing his many meritless suits. The Clerk of Court is directed to note this Order to Show
16 Cause on the Court’s calendar for Friday, May 4, 2012.

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18 Dated this 29th day of March, 2012.

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20 Robert S. Lasnik
21 United States District Judge
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